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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL COWAN METCALF,

Defendant.

Case No. CR-23-103-BLG-SPW

**DEFENDANT'S UNOPPOSED
MOTION TO CONTINUE
TRIAL AND PRETRIAL
DEADLINES**

COMES NOW Defendant, Gabriel Cowan Metcalf, by and through his counsel of record, RUSSELL A. HART, Assistant Federal Defender and the FEDERAL DEFENDERS OF MONTANA, and moves the Court for an order continuing the trial currently scheduled for January 16, 2024, and for an order extending the pretrial deadlines accordingly.

The grounds for this motion are as follows:

1. Additional time is needed to prepare trial defense and research potential motions.
2. Defendant is currently on pretrial release.
3. For this reason, Defendant requests the Court to continue the trial of this matter. Further, it will prejudice the Defendant if this continuance is not granted. Counsel for Defendant asserts that the ends of justice served by granting of such continuance outweigh the best interest of the public and the Defendant in a speedy trial. Defendant further asserts that for purposes of the speedy trial act, the number of days which this matter is continued are excludible under 18 U.S.C. § 3161(h)(8)(A)(B)(iv).
4. Counsel has contacted Thomas K. Godfrey of the United States Attorney's Office regarding this continuance, and he indicated he has no objection to this Motion.

RESPECTFULLY SUBMITTED this 28th day of November, 2023.

/s/ Russell A. Hart

RUSSELL A. HART

Federal Defenders of Montana

Counsel for Defendant

CERTIFICATE OF SERVICE
L.R.5.2(b)

I hereby certify that on November 28, 2023, a copy of the foregoing document was served on the following persons by the following means:

- 1, 2 CM-EDF
- Hand Delivery
- 3 Mail
- Overnight Delivery Service
- Fax
- E-Mail

1. CLERK, UNITED STATES DISTRICT COURT
2. THOMAS K. GODFREY
Assistant United States Attorney
United States Attorney's Office
2602 2nd Avenue North, Suite 3200
Billings, MT 59101
Counsel for the United States of America
3. GABRIEL COWAN METCALF
Defendant

/s/ Russell A. Hart

RUSSELL A. HART
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Counsel for Defendant